IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	David Chao, Brian Blount, Charles Erickson, Shari Gharavy, Cheng Zhou, Joshua Toub
Assignee:	Trilogy Development Group, Inc.
Title:	METHOD AND SYSTEM FOR MANAGING DISTRIBUTOR INFORMATION

Serial No.:	09/810,514	Filing Date:	March 15, 2001
Examiner:	Andrew J. Rudy	Group Art Unit:	1792
Docket No.:	T00071	Customer No.:	33438

Austin, Texas
October 22, 2004

COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This paper is responsive to the Office Action dated June 23, 2004 having a shortened statutory period expiring July 23, 2004. This paper is accompanied by a Petition for Extension of Time giving Applicants until October 25, 2004 (October 23, 2004 being a Sunday) to respond.

A preliminary amendment accompanies this Response.

Applicants elect Group I, claims 1-42 with traverse.

The Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

I.   Claims 1-42, drawn to a browser method, classified in class 711, subclass 1.

II.   Claims 43-53, drawn to a browser device, classified in class 705, subclass 26.

III.   Claims 54-64, drawn to a storage medium, classified in class 717, subclass 174.

Groups I and II

The Examiner states:

> Inventions of Group II and Group I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another an materially different process. (MPEP § 806.05(e)). In this case the process can be practiced by hand.
>
> -Office Action, para. 2 -

The concurrently filed preliminary amendment accompanying this Response amends claim 43 to recite:

> 43. A method for <u>using a data processing system for</u> managing relationships between a first party and a second party comprising:
>
> generating a selling agreement <u>using resources of the data processing system to</u> <u>define</u> ~~defining~~ a relationship between a first party and a second party;
>
> determining a commission amount associated with a sales transaction based on said selling agreement <u>using resources of the data processing system</u>;
>
> determining if said second party associated with said sales transaction has a valid license <u>using resources of the data processing system</u>; <u>and</u>
>
> distributing said commission amount to individuals associated with said sales transaction <u>using resources of the data processing system</u>.

In light of the amendment to claim 43, Applicants respectfully request withdrawal of the restriction requirement between Groups I and II.

Groups II and III

The Examiner also states:

> Inventions Group II and III are related as combination and subcombination. Inventions in this relationships are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because no computer is recited. The subcombination has separate utility such as a management tool in a supply chain arrangement.

In light of the amendment to claim 43, Applicants respectfully request withdrawal of the restriction requirement between Groups I and II because a data processing system is recited in now recited in claim 43. Accordingly, two-distinctiveness under MPEP § 806.05(c) is not present.

Groups I & II and III

The Examiner also states:

> Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II or III, restriction for examination purposes as indicated is proper.

-Office Action, para. 5 -

Applicants respectfully submit that Applicants have established grounds for withdrawing the restriction between Groups I and II and between Groups II and III. Applicants are uncertain as to the specific basis for restricting Group I from Groups II and III other than that 'a different search is required.' Applicants respectfully request that the Examiner recite the specific grounds, if any, for restricting Group I from Groups II and III or withdraw the restriction.

Applicants respectfully submit that the classification of the invention of Group I in class 711, subclass 1 appears to be incorrect and classification of Group III in class 717, subclass 174 also appears to be incorrect. Thus, Applicants respectfully submit that the Examiner has not established the need for a separate search between Group I and Groups II or III.

The definition of class 711, subclass 1 is:

ADDRESSING COMBINED WITH SPECIFIC MEMORY CONFIGURATION OR SYSTEM:

This subclass is indented under the class definition. Subject matter comprising means or steps for determining one or more values (i.e., <u>address data</u>) that specify one or more locations in a storage medium wherein the means or steps are claimed in combination with a particular configuration or system for storing <u>data</u>.

(1) Note. Classification herein requires significant address manipulating (i.e., more than nominal recitation of an addressing technique). Significant address manipulating is

exemplified by <u>address data</u> <u>processing</u> functions such as combining, translating, mapping, and other techniques associated with forming or modifying <u>address data</u>.

(2) Note. Means or steps for determining a value that specifies a <u>memory</u> location (i.e., <u>address data</u>) must include more than nominal recitation of <u>processing</u> functions and <u>memory</u> components for classification herein.

(3) Note. This subclass and those indented below provide for combinations of <u>data processing</u>, particular <u>memory</u> systems, and significant <u>address data</u> manipulating. Generalized addressing in a <u>digital data processing system</u> is classified elsewhere in this class. See the SEARCH THIS CLASS, SUBCLASS notes below.

(4) Note. This subclass and those indented below may include means (e.g., <u>processor</u>, controller, etc.) or steps for control of a <u>memory</u> of a <u>digital data processing system</u> in combination with <u>memory</u> accessing (e.g., reading, writing). <u>Memory</u> accessing and control for specific <u>memory</u> compositions, hierarchical <u>memory</u> configurations, and shared <u>memory</u>, however, is classified elsewhere. See the SEARCH THIS CLASS, SUBCLASS notes below.

(5) Note. Means or steps for accessing and controlling plural <u>memory</u> configurations (e.g., <u>data</u> farms, "library" systems) that include significant <u>data processing</u> are classified herein. Control systems for delivering storage media (e.g., delivery of robotics or automated tapes or cartridges, selection and delivery of platters), however, are properly classified elsewhere under automated control or another appropriate subclass in the respective device, robotics, and generic control classes. In instances involving significant <u>data processing</u> and significant details of media delivery systems, classification herein is proper.

The definition of class 717, subclass 174 is:

SOFTWARE INSTALLATION:

This subclass is indented under the class definition. Subject matter including means or steps for setting up and preparing an operating system, application program, or other executable program for operation on a computer program.

(1) Note. Subject matter under this definition may include preparation of installation packages including program files to be installed and other files such as batch files or scripts necessary to implement the installation of the program files on a target computer. Code generation and development of programs using software development tools are classified elsewhere in this class. See the SEE OR SEARCH THIS CLASS, SUBCLASS notes below.

(2) Note. The subject matter for this subclass is limited to installation of different versions of executable programs and operating systems. As evidenced by the many notes which follow, the generic concept version management is classified in different classes under various titles, such as document version management, file and database maintenance, and managing source code. Therefore, a concept

search for version management, per se, should include consideration of these related topics in the other classes. See the SEE OR SEARCH CLASS notes below.

(3) Note. Installation under this definition may include checking for compatibility between specific versions of application programs and operating systems already installed or to be installed on a target system. Means and steps for making systems compatible with one another, per se, are classified in different classes under topics such as emulation, peripheral configuring, peripheral adapting, network computer configuring, and digital data processing system initialization and configuration, per se (e.g., initializing, setup, configuration, and resetting). A concept search on the topic of compatibility should consider these related areas in the other classes. See the SEE OR SEARCH CLASS notes below.

(4) Note. For the purpose of this definition, installation is defined as a one-time loading event which occurs only when a new version of an operating system or application program is updated and released.

(5) Note. For the purpose of this definition, the installation of software includes the local and remote loading or copying of an operating system, application program, or other executable program onto a target storage medium such as a hard disk, tape drive, or memory device; and version management includes keeping track of the installed version of an operating system, application program, or other executable program.

(6) Note. This subclass is directed to the processes for installing software. Medium for delivering software, per se, such as punched cards, paper or magnetic tapes, magnetic and optical disks, pluggable modules, cartridges and cards, networks, and memories are classified in the appropriate device class. When claimed in combination with installation they are classified here.

(7) Note. This subclass accepts generic installation of software locally or over a network. However, purchasing software over a network divorced from installation is classified elsewhere. See the SEE OR SEARCH CLASS notes below.

(8) Note. The identification of the specific hardware and/or software resources required by a particular version of operating system or application program being installed is also properly classified here. However, recovering from faults in digital data processing systems, locating faults, or detecting faults in digital data processing systems to ensure reliability and availability is classified elsewhere. See the SEE OR SEARCH CLASS notes below.
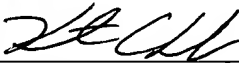
(9) Note. Subject matter under this definition may include compression and decompression of files to be installed on a target system. Compression and decompression of data, per se, is classified elsewhere.

CONCLUSION

In light of the foregoing remarks, Applicants respectfully request withdrawal of all restrictions in the present application and examination in a single application of Groups I, II, and III.

Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, on October 22, 2004.

_____ 10-22-2004
Attorney for Applicant(s)   Date of Signature

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Respectfully submitted,

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